

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA, et
al.,

Plaintiff,

v.

STATE OF WASHINGTON, et al.,

Defendants.

CASE NO. 2:70-CV-9213-RSM

Subproceeding No. 89-3-17 (Shellfish)

ORDER GRANTING LEAVE TO
AMEND

Currently pending in this action is Squaxin Island Tribe's Motion for Leave to Amend and Supplement Request for Dispute Resolution ("Motion to Amend"). Dkt. 14. The court has jurisdiction to hear matters arising in this subproceeding under authority conferred by the Stipulation and Order Amending Shellfish Implementation Plan ¶ 9.1 (April 8, 2002) ("SIP").¹

Squaxin Island seeks leave of the Court to file an Amended Request for Dispute Resolution. Dkt. 14. Pursuant to Rule 15(a) of the Federal Rules of Civil Procedure,

¹ See Dkt. 14331 in Subproceeding 89-03.

1 (1) *Amending as a Matter of Course*

2 A party may amend its pleading once as a matter of course within: (A) 21 days after
serving it, or

3 (B) if the pleading is one to which a responsive pleading is required, 21 days after
service of a responsive pleading or 21 days after service of a motion under Rule
4 12(b), (e), or (f), whichever is earlier.

5 (2) *Other Amendments*

6 In all other cases, a party may amend its pleading only with the opposing party's
written consent or the court's leave. The court should freely give leave when justice
so requires.

7 Squaxin Island has not previously amended the Request for Dispute Resolution. Further, no
8 defendants have entered an appearance, responded to the Request for Dispute Resolution, or
9 taken any other action in this case. *See Trudeau v. Direct Marking Concepts, Inc.*, 90 Fed. App'x
10 486 (9th Cir. 2003) (finding the plaintiff was allowed to amend his complaint as a matter of right
11 when the motion to amend was filed before the defendant filed a responsive pleading). As such,
12 the Court finds leave to amend the Request for Dispute Resolution is warranted in this case.

13 Therefore, Squaxin Island's Motion to Amend (Dkt. 14) is granted. Squaxin Island is
14 directed to file the proposed amended request for dispute resolution (Dkt. 14-1) as the Amended
15 Request for Dispute Resolution on or before **October 11, 2022**.

16 Dated this 4th day of October, 2022.

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19 David W. Christel
20 United States Magistrate Judge
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